

FILED 12 OCT '11 12:29 USDC-ORP

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON
PORTLAND DIVISION

ROBERT DALE HEILMAN,

3:09-cv-791-HU

Petitioner,

ORDER

v.

RICK COURSEY,

Respondent.

KRISTINA HELLMAN
Asst. Federal Public Defender
101 S. W. Main Street, Suite 1700
Portland, Oregon 97204
(503) 326-2123

Attorney for Petitioner

JOHN R. KROGER
Attorney General
JACQUELINE KAMINS
Assistant Attorney General
1162 Court St., NE
Salem, Oregon 97301
(503) 378-440

Attorney for Respondent

MARSH, Judge.

Magistrate Judge Dennis J. Hubel issued his Findings and Recommendation (#40) on August 4, 2011, recommending Petitioner's Amended Petition for Writ of Habeas Corpus be denied and this proceeding dismissed with prejudice. Petitioner has filed timely objections (#45). The matter is now before me pursuant to 28 U.S.C. § 636(b)(1)(B) and Fed. R. Civ. P. 72(b).

The court reviews *de novo* those portions of the Magistrate Judge's Findings and Recommendation to which petitioner has objected. See 28 U.S.C. § 636(b)(1)(C); McDonnell Douglas Corp. v. Commodore Business Machines, Inc., 656 F.2d 1309, 1313 (9th Cir. 1981).

After *de novo* review, I find no error in the Magistrate Judge's analysis. I also concur in, and adopt, his recommendation that any request by Petitioner for a certificate of appealability should be denied. Accordingly, I **ADOPT** the Findings and Recommendation (#40) of Magistrate Judge Hubel. Defendant's Amended Petition for Writ of Habeas Corpus (#22) is **DENIED**.

IT IS SO ORDERED.

Dated this 12 day of October, 2011.


Malcolm F. Marsh
United States District Judge